

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 KEVIN ALMY,
8 Plaintiff,
9 v.
10 MINOR ADAMS et al.,
11 Defendants.
12

3:16-cv-00231-MMD-WGC

ORDER

13 **I. DISCUSSION**

14 On December 7, 2016, this Court issued a screening order directing Plaintiff to either
15 file an updated application to proceed *in forma pauperis* or to pay the remaining \$50
16 administrative fee to complete payment for the full filing fee for a civil action. (ECF No. 17 at
17 7). The Court also dismissed the amended complaint in its entirety with leave to amend. (*Id.*)

18 On December 12, 2016, Plaintiff filed a notice of appeal. (ECF No. 19, 20). Plaintiff
19 also filed a motion to stay his case pending the appeal and two motions related to his appeal
20 (ECF No. 25, 26, 27). On May 16, 2017, the U.S. Court of Appeals for the Ninth Circuit
21 dismissed the appeal for lack of jurisdiction. (ECF No. 34).

22 The Court now denies the motions related to Plaintiff's appeal (ECF No. 25, 26, 27) as
23 moot. The Court directs Plaintiff to comply with this Court's screening order. As such, within
24 thirty (30) days from the date of this order, Plaintiff must either: (1) file an updated application
25 to proceed *in forma pauperis*, on the correct form with complete financial attachments in
26 compliance with 28 U.S.C. § 1915(a); or (2) pay the remaining \$50 administrative fee to
27 complete payment for the full filing fee for a civil action (which includes the \$350 filing fee and
28 the \$50 administrative fee). Additionally, if Plaintiff chooses to file a second amended
complaint, Plaintiff must file the second amended complaint within thirty (30) days from the

1 date of of this order.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the miscellaneous motions (ECF No.
4 25, 26, 27) are denied as moot.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff a courtesy
6 copy of the Court's screening order (ECF No. 17) and all subsequent attachments discussed
7 in that screening order.

8 IT IS FURTHER ORDERED that, within thirty (30) days from the date of this order,
9 Plaintiff must either: (1) file an updated application to proceed *in forma pauperis*, on the correct
10 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay
11 the remaining \$50 administrative fee to complete payment for the full filing fee for a civil action
12 (which includes the \$350 filing fee and the \$50 administrative fee).

13 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an updated application to
14 proceed *in forma pauperis* or pay the remaining \$50 administrative fee, the Court will dismiss
15 this case without prejudice.

16 IT IS FURTHER ORDERED that, if Plaintiff chooses to file a second amended
17 complaint curing the deficiencies of his complaint, as outlined in the screening order, Plaintiff
18 must file the second amended complaint within thirty (30) days from the date of entry of this
19 order.¹

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26
27 ¹ As discussed in the screening order, Plaintiff may have to open several new cases
28 in order to comply with the screening order. If Plaintiff has to open several new cases, he shall
file an application to proceed *in forma pauperis* and a complaint for each new case he chooses
to open.

1 IT IS FURTHER ORDERED that, if Plaintiff fails to file a second amended complaint
2 curing the deficiencies outlined in the screening order, the Court will dismiss this case without
3 prejudice.

4
5 DATED: This 23rd day of May, 2017.

6 
7
8 United States Magistrate Judge